

In The Matter Of:
Project Veritas Acton Fund v.
Daniel F. Conley, et al.

Russell Joseph Verney
April 4, 2017

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 EASTERN DIVISION

4 C.A. No. 1:16-cv-10462-PBS

5
6 PROJECT VERITAS ACTION FUND,

7 Plaintiff,

8 vs.

9 DANIEL F. CONLEY, in his

10 official capacity as Suffolk

11 County District Attorney,

12 Defendant.

13
14 DEPOSITION OF RUSSELL JOSEPH VERNEY,

15 individually and as corporate designee of Project

16 Veritas Action Fund, a witness called on behalf of

17 the Defendant, taken pursuant to the applicable

18 provisions of the Federal Rules of Civil Procedure

19 before Cynthia A. Powers, Professional Shorthand

20 Reporter and Notary Public in and for the

21 Commonwealth of Massachusetts, at the Office of the

22 Attorney General, One Ashburton Place, Boston,

23 Massachusetts, on Wednesday, April 4, 2017,

24 commencing at 9:00 a.m.

1 **APPEARANCES:**

2 Stephen Klein, Esquire

3 500 Madison Street, No. 419

4 Alexandria, Virginia 22314

5 (734) 233-1705

6 Representing the Plaintiff

7

8 Eric A. Haskell, Esquire

9 The Commonwealth of Massachusetts

10 Office of the Attorney General

11 One Ashburton Place, 19th Floor

12 Boston, Massachusetts 02108

13 (617) 963-2855

14 Representing the Defendant

15

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P R O C E E D I N G S

RUSSELL JOSEPH VERNEY,

having been satisfactorily identified
and duly sworn by the Notary Public,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HASKELL:

Q. Good morning, Mr. Verney.

A. Good morning.

Q. We got to meet a moment ago out in the
hallway. I'm Eric Haskell, Assistant Attorney
General, and I represent the Defendant, in effect
the State of Massachusetts, in the case that Project
Veritas has brought challenging one of our criminal
statutes. Have you been deposed before?

A. Yes.

Q. When did that happen?

A. Let's see, many times throughout the mid
and late nineties, in the early 2000s. I would say
I've probably been deposed over ten times. Once
even by telephone. They had a video camera on me.
Somebody in there watching, but --

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1 went to junior high and high school in Arlington,
2 Mass. I went one year to Northeastern.

3 Q. Did you get a degree from Northeastern?

4 A. No.

5 Q. Who what did you study while you were
6 there?

7 A. It was an engineering course.

8 Q. And when did you finish your time at
9 Northeastern?

10 A. 1966.

11 Q. Did you go to any other school,
12 undergraduate, graduate programs after 1966?

13 A. Not like college courses. I've been to
14 Harvard School of Politics and lots of other places,
15 but not for any degree type of programs.

16 Q. Okay. What have you done for a living
17 since then?

18 A. Well, since '66, three years in the
19 service including one year in Vietnam. I was an air
20 traffic controller for approximately ten years eight
21 months and three days flying in the strike of '81.

22 I worked in the New Hampshire House of
23 Representatives on staff, became a consultant
24 managing political campaigns. In 1991 I was the

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1 executive director of the Democratic Party in
2 New Hampshire during the first-in-the-nation
3 presidential primaries.

4 In '92 I was the only consultant on Ross
5 Perot's presidential campaign at the end. I was the
6 executive director of the United We Stand of
7 America, a nationwide 501(c)(4) organization, in '93
8 through '95. I was the manager of Ross Perot's 1996
9 presidential campaign.

10 I created the Reform Party in 1998. I
11 worked for Judicial Watch, a 501(c)(4) in 2001 to
12 2005. At all times I was still a political
13 consultant. I've managed various campaigns. I have
14 been with Project Veritas since.

15 I spent about a year with the North
16 Texas Crime Commission as executive director. I've
17 been with Project Veritas Action Fund -- well, I've
18 been with Project Veritas since August of 2014, and
19 I created Project Veritas Action Fund in September
20 of 2014.

21 Q. In the time you've been with Project
22 Veritas since August of '14, have you been the
23 executive director the whole time?

24 A. Yes.

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1 Q. And with respect to the Project Veritas
2 Action Fund since -- I think you said you created
3 Project Veritas Action Fund in September of '14?

4 A. Correct.

5 Q. Have you been its executive director
6 since that time?

7 A. Yes.

8 Q. Okay. A couple of your former employers
9 you mentioned are 501(c)(4) organizations.

10 A. Yes.

11 Q. In your own words, what's a 501(c)(4)
12 organization?

13 A. 501(c)(4) is an IRS nonprofit category
14 for organizations that are issue advocacy related or
15 can be issue advocacy related. It's non-taxed in
16 its primary mission by the IRS, but contributions
17 are not tax deductible.

18 Q. How does 501(c)(4) compare to a
19 501(c)(3)?

20 A. 501(c)(3) charitable organization is not
21 taxed by the IRS in its primary mission and
22 contributions to the 501(c)(3) are tax deductible to
23 the extent permitted for the donor. There are
24 restrictions on what a 501(c)(3) can do. It cannot

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1 do issue advocacy. It cannot do political -- it
2 cannot intervene in political campaigns.

3 Q. You mentioned a moment ago that a
4 501(c)(4) is authorized to do issue advocacy; is
5 that right?

6 A. Correct.

7 Q. Is a 501(c)(4) also authorized to
8 intervene in political campaigns?

9 A. To an extent. Less than 50 percent of
10 its spending can be done -- it cannot -- it cannot
11 do express advocacy like vote for or vote against,
12 but it can intervene in political campaigns up to
13 about 49 percent of its spending.

14 Q. Are there any limitations on the
15 political activities a 501(c)(4) can engage in other
16 than vote for this person, don't vote for that
17 person?

18 A. The two are financial, the amount of
19 your assets spent on it.

20 Q. Sure.

21 A. The other one is avoiding express
22 advocacy.

23 Q. What's meant by express advocacy?

24 A. That's vote for or vote against. You'll

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1 see many commercial saying, Russ Verney is running
2 for Senate. He voted against this bill. He voted
3 for this terrible bill. He's hurting all of us.
4 Please call him and tell him to oppose that bill.
5 There's no express advocacy there. It's issue
6 advocacy. Where if the tag line had been, He's
7 voted against this bill, vote against him on
8 election day, that's express advocacy.

9 Q. Issue advocacy is something that a
10 501(c)(4) can do and a 501(c)(3) cannot do; is that
11 right?

12 A. Correct.

13 Q. What has Project Veritas been recognized
14 by the IRS -- excuse me, has Project Veritas been
15 recognized by the IRS as one of these types of
16 organizations?

17 A. Yes, it has.

18 Q. Which type?

19 A. 501(c)(3).

20 Q. Has Project Veritas Action Fund been
21 recognized by the IRS as one of these two types of
22 organizations?

23 A. No, it doesn't need to be. It operates
24 as one until it decides to file for the designation.

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1 Q. I'm sorry, I don't think I understood
2 you.

3 A. The 501(c)(3) has to have a
4 determination from the IRS before it collects money
5 because the donor is taking a tax deduction. A
6 501(c)(4) is a tax status. You don't have to have a
7 designation from the IRS before you start operating
8 because the donor is not taking a deduction.
9 There's no penalty to the donor if you're denied
10 that tax status. You have several years to apply
11 for it. We've chosen not to apply for it yet.

12 Q. And so under Project Veritas Action
13 Fund's current status, are there any limitations on
14 the kind of political advocacy that it can
15 participate in?

16 MR. KLEIN: Objection. I think
17 your first question was "in your
18 opinion." I've been running with that,
19 but this is -- Russ can certainly answer
20 here, but I will lodge the objection as
21 far as legal conclusion.

22 THE WITNESS: Can you restate it?

23 MR. HASKELL: Sure.

24 Q. Under Project Veritas Action Fund's

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1 current status, are there any limitations on the
2 kinds of political advocacy that it can engage in?

3 A. Yes, we operate as a 501(c)(4).
4 Therefore, we can't do express advocacy. We can't
5 spend more than 49 percent of our money intervening
6 in federal elections.

7 Q. And to operate as a 501(c)(4) without
8 having been recognized as one by the IRS, is that
9 something that Project Veritas Action Fund imposes
10 on itself voluntarily?

11 A. Yes.

12 Q. Okay. So, let's take those one at a
13 time. In your role as executive director of Project
14 Veritas Action Fund, what are your responsibilities?

15 A. My responsibilities are administrative
16 in nature, overseeing the HR, overseeing compliance,
17 overseeing risk management, overseeing finances.

18 Q. Anything else?

19 A. I think that pretty much covers it.

20 Q. And same question in your role as
21 executive director of Project Veritas, what are your
22 responsibilities there?

23 A. Same functions; overseeing HR,
24 overseeing finance, overseeing compliance, whatever

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1 else I said.

2 Q. Now, I think you mentioned earlier that
3 you serve as the manager of litigation for one or
4 both organizations; is that right?

5 A. Yes --

6 Q. And --

7 A. -- which falls under Compliance.

8 Q. So, you perform that role with respect
9 to both organizations?

10 A. Correct.

11 Q. At Project Veritas Action Fund, who do
12 you report to?

13 A. The president, James O'Keefe.

14 Q. And at Project Veritas in your role as
15 executive director of that organization, who do you
16 report to?

17 A. James O'Keefe, the president.

18 Q. He's also the president of Project
19 Veritas?

20 A. Both, mm-hmm.

21 Q. Do you draw a salary from Project
22 Veritas Action Fund?

23 A. I draw a salary through Project Veritas.
24 Some of it's apportioned to Project Veritas Action

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1 Fund.

2 Q. Is that a common arrangement among
3 employees of Project Veritas Action Fund?

4 A. Yes.

5 Q. Are there any employees of Project
6 Veritas Action Fund that draw a salary directly from
7 Project Veritas Action Fund?

8 A. No.

9 Q. They're all apportioned through Project
10 Veritas?

11 A. Correct.

12 Q. How many hours a week would you say you
13 spend on work in your role as executive director of
14 Project Veritas Action Fund?

15 A. Action Fund, probably -- probably about
16 twenty hours a week.

17 Q. How many hours a week would you say that
18 you spend in your role as executive director of
19 Project Veritas?

20 A. Somewhere around sixty hours a week.

21 Q. So, you work eighty hours a week?

22 A. Yep.

23 Q. And that division of time between two
24 organizations, is that the basis for the

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1 apportionment of your salary that you mentioned
2 earlier?

3 A. Yes, but we have an agreement between
4 the companies on if there isn't an actual
5 designation of time then it's a -- I think it's a
6 65/35 split.

7 Q. Sixty-five being apportioned to?

8 A. Project Veritas. Project Veritas Action
9 Fund is less active than Project Veritas.

10 Q. And that arrangement of apportioning
11 salary 65 percent to Project Veritas and 35 percent
12 to Project Veritas Action Fund, is that common among
13 employees whose salaries are apportioned?

14 A. Yes.

15 Q. So, in your own words, what does Project
16 Veritas Action Fund do?

17 A. We investigate incidents where we
18 suspect there might be abuse, fraud, lapses of
19 ethics; self-dealing within government, within
20 political organizations, within public agencies.

21 Q. Does Project Veritas Action Fund do
22 anything besides that?

23 A. Well, we -- obviously we've initiated
24 this litigation to break down some of the barriers

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1 to undercover recording and to assert our First
2 Amendment rights.

3 Q. So, conduct investigations in the ways
4 you described and conduct litigation, does that
5 cover everything that Project Veritas Action Fund
6 does?

7 A. Yes, I believe it does.

8 Q. Okay.

9 A. And we look at the litigation as a form
10 of advocacy of our First Amendment rights.

11 Q. So, I'd like to speak about how an
12 investigation with Project Veritas Action Fund
13 works. You mentioned a couple of areas in which
14 Project Veritas Action Fund is interested a few
15 moments ago. Is that the extent of Project Veritas
16 Action Fund's focus?

17 MR. KLEIN: Objection, asked and
18 answered.

19 A. I think they're all pretty broad. We're
20 investigating fraud, abuse of power, lapses of
21 ethics. There's no limit on how much work you can
22 do.

23 Q. Where does the idea for a specific
24 investigation come from in Project Veritas Action

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1 they have to say on a subject.

2 If that undercover journalist encounters
3 any unique circumstances, they will withdraw from
4 the situation, check with us for legal guidance as
5 to how to conduct themselves. For instance, if they
6 were asked to sign an agreement of some sort, they
7 would ask us for guidance on what to do with it
8 because they use assumed names.

9 When they have captured some
10 information, they will send it back to us. We'll
11 review it to see if there are any opportunities for
12 a story, if there's any leads, if there's any
13 contacts we need to follow up. It just develops
14 from there. We apply the appropriate assets as it
15 goes along to develop the entire story.

16 Then when we have what we think is a
17 newsworthy story, our executive producer will
18 develop a script for what we would report, and we
19 run that by legal counsel for a review. Then we
20 draft the video report. We run that by legal
21 counsel. Then we finalize the video report and
22 publish it through our website, news releases.

23 Q. Just to make clear we're speaking the
24 same language here, when you speak about a video

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1 report, that's the final version of the video that
2 PVA releases to the public?

3 A. Correct.

4 Q. And the component videos that comprise a
5 video report, fair to say there may be more than one
6 component video that are combined into the video
7 report?

8 A. Correct.

9 Q. For each of those component videos, fair
10 to say that there's more captured by your journalist
11 than is actually included in the video report?

12 A. Correct.

13 Q. So, the video that's captured by the
14 journalist, regardless of whether it's included in
15 the video report, can we today call that raw
16 footage?

17 A. Yes.

18 Q. Is that the term that you commonly use
19 for it?

20 A. Well, because you no longer use tape, we
21 call it raw video.

22 Q. Okay. How about we use those
23 interchangeably, raw video and raw footage?

24 A. Fine.

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1 Q. I want to break down the process
2 step-by-step. You have an idea for investigation.
3 You mentioned a moment ago that it goes to get an
4 initial approval from a group of staff before the
5 field director, and I think you said executive
6 director, set pen to paper and create a memo about
7 that investigation. So.

8 The group of staff that makes the
9 decision to take the next step, who's included in
10 that group?

11 A. Again, it's collaborative among staff.
12 It's not a fixed group. It certainly involves the
13 president. He's the final authority on everything,
14 James O'Keefe. It would typically include the
15 executive producer, the field director, our media
16 communications director, could involve our
17 development director. Also, we do have a chief
18 operating officer now. He would be involved in it.

19 It's not -- it's a consensus building.
20 It's not democracy thing of yea or nay. It's
21 consensus building of whether or not to do the
22 investigation and how or how much resources we
23 should put into it, and that leads to the field
24 director and executive producer creating the memo.

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1 Q. You mentioned that the president,
2 Mr. O'Keefe, is the final authority on whether the
3 investigation goes forward?

4 A. Correct.

5 Q. So, those last two questions, I should
6 have asked better questions. Were you describing
7 the process for green lighting an investigation at
8 PVA?

9 A. I'm sorry, I don't understand. As
10 opposed to?

11 Q. As opposed to Project Veritas.

12 A. It's the same for both.

13 Q. The process is the same for both?

14 A. Yes.

15 Q. And the members of the staff who
16 participate in the decision making, are they the
17 same for PVA and for Project Veritas?

18 A. Assuming that it's not a fixed number of
19 staff, yes. It's the senior staff. It's the same
20 senior staff for PV. Two different projects may be
21 two different arrangements of the staff. Senior
22 staff deals with both of them, but it may not be the
23 very same people dealing with both of them.

24 In other words, I may not be involved in

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1 one of the discussions, but I'm part of the senior
2 staff and have the opportunity to have input.

3 Q. Well, let me break it down a bit. Maybe
4 we can use the org chart to help us here.

5 (Marked Exhibit 3, Project Veritas
6 Action Organizational Chart)

7 A. (Deponent viewing exhibit).
8 I'm familiar with this.

9 Q. You've had a chance to look through
10 Exhibit 3?

11 A. Yes.

12 Q. What is that document?

13 A. This was an organizational chart that
14 was created probably in 2015, I think, 2015 or 2016,
15 somewhere in there.

16 Q. Has it been updated since then?

17 A. No, it hasn't been kept current.

18 Q. Okay. Who created this document?

19 A. I believe the gentleman's name was Ken
20 Constanza. He was chief of staff at that time.

21 Q. Did you have any involvement in creating
22 Exhibit 3?

23 A. Yeah, I'm sure I reviewed it in its
24 development.

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1 Q. Do you use Exhibit 3 in your work as
2 executive director of PVA?

3 A. I've never referred to it. I know the
4 staff. I know their functions. I know their
5 responsibilities. I hired them all. It's not
6 something that I rely upon.

7 Q. Do you have a comparable document for
8 Project Veritas?

9 A. Yeah, it's essentially the same.

10 Q. You were speaking a moment ago about the
11 senior staff in the context of making a decision to
12 pursue an investigation. Looking at Exhibit 3, who
13 do you define as senior staff?

14 A. I would -- the top row which is
15 president. The second row is not senior staff with
16 respect to operations. That's administrative. The
17 next row of CFO, chief of staff, executive director,
18 senior staff. The next down, development,
19 production, field operations, those are senior
20 staff, media communications. I'm not sure IT
21 security is necessary in those types of things.
22 That's the senior staff. That row of six and up
23 with the exception of the executive assistant,
24 office manager and aide.

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1 Q. And so on the second page of Exhibit 3
2 that we're looking at here, it's what we have been
3 referring to, you have been referring to, this is an
4 organizational chart for the PVA staff?

5 A. Mm-hmm.

6 Q. Do any of the folks who you just
7 identified on Exhibit 3 have a different role with
8 Project Veritas than they have with PVA?

9 A. No.

10 Q. They all have the same role with both
11 organizations?

12 A. Correct.

13 Q. Okay. And so when you spoke a moment
14 ago about the senior staff getting together and
15 deciding whether to go forward with investigation,
16 and it may be different groups of people for
17 different investigations, is that just a function of
18 what the investigation is and who has a role to play
19 in the decision?

20 A. Yes, and who is available the day the
21 discussion occurs.

22 Q. Sure, sure. And so is the group who
23 makes the decision to pursue an investigation for
24 PVA different from the group who decides to pursue

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1 an investigation for Project Veritas?

2 A. No.

3 Q. Okay. Had has PVA ever declined an idea
4 for an investigation because it's outside of it's
5 focus area?

6 A. We have determined not to pursue some
7 investigations. Now, there are tips that come in,
8 you know, like I just had a terrible time in my
9 divorce, will you go and investigate the judge. We
10 don't do that. I don't know if that's declining
11 them, but we do reach a point of do we or don't we
12 proceed with an investigation that we're discussing,
13 and there are some we don't proceed with and some we
14 do.

15 Q. Let me ask a better question. In your
16 experience on the PVA side, what factors go into
17 whether to pursue an investigation or not?

18 A. The probability of success, the cost,
19 the time and newsworthiness of it.

20 Q. Drilling down on that, what do you mean
21 by probability of success.

22 A. Are we going to be able to get to the
23 people that can give us the candid information from
24 a high enough level, or are we simply going to be

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1 dealing with peripheral staff that doesn't have
2 insight into what's going on. Are we going to be
3 able to do it in a reasonable amount of time,
4 reasonable cost. Those all go into it.

5 Q. What did you mean a moment ago when you
6 spoke about the investigation's newsworthiness?
7 What does that mean?

8 A. Our function is to educate the public on
9 what we find. If it's not newsworthy to the
10 public -- like every airplane that lands safely
11 isn't newsworthy. The one that crashes is
12 newsworthy. We make those determinations in our
13 investigation.

14 We do report on some where the people
15 acted in an ethical way especially when it's in
16 contrast to how everyone else in the story acts just
17 to show there are good people who do it right.

18 Typically, a story isn't built around
19 good news. It's built around violations of ethics
20 or abuse or something of that nature.

21 Q. The probability of capturing such things
22 is something that PVA considers in deciding to go
23 forward with an investigation?

24 A. Correct.

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1 it and counsel reviews it, and at what stage is the
2 investigation assigned to a journalist?

3 A. It would be after we got legal guidance
4 of how we're going to conduct it, then the field
5 director would determine what initial staff he's
6 going to assign to it and build off it from there.

7 Q. And, again, am I understanding correctly
8 that Project Veritas's journalistic staff consists
9 of the same people at PVA's journalistic staff, and
10 it's just a question of how their time is
11 apportioned?

12 A. Exactly, yes.

13 Q. And so when this memo has been developed
14 and approved and a journalist is assigned to it,
15 what steps does the journalist typically need to
16 take at that point?

17 A. The journalist first has to do the
18 research of this was the big picture of what we want
19 to do and where we want to do it. Now, how do you
20 get started. So, they do research on the target of
21 the investigation, start identifying their
22 opportunities to gain access and adopt a cover story
23 legend to go with who they are for that
24 investigation and any supporting information that

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1 they need.

2 Q. What do you mean when you say cover
3 story legend?

4 A. They may be going to -- they may be
5 going to a campaign to volunteer and they're a
6 college student on spring break. They may be going
7 to talk to sales representative for a publishing
8 company trying -- as a consultant for somebody
9 trying to acquire information to help with a
10 legislative process. They adopt different names and
11 backgrounds to approach them, gaining their
12 confidence.

13 Q. I'm sorry, gaining whose confidence?

14 A. To gain the confidence of whoever
15 they're meeting with to build the targets for moving
16 on. They may be meeting with somebody, a conference
17 out in the lobby and they tell them that they're a
18 consultant for some group and would like to meet
19 with somebody higher up in their organization and
20 get introduced. So, that's the back story that they
21 have to get introductions.

22 Q. And that's intended to, as you said,
23 gain confidence of the person who the journalist
24 wants to record?

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1 A. Right.

2 Q. The back story isn't necessarily true,
3 is it?

4 A. Correct.

5 Q. So, in a situation where the target of
6 an investigation is an organization and the approval
7 and memo process hasn't yet identified a method to
8 access individuals in that organization, is that
9 something that the journalist would do at this
10 stage?

11 A. Yes.

12 Q. I should take a step back and ask -- I
13 think we spoke about it earlier. PV/PVA employs a
14 staff of journalists?

15 A. Correct.

16 Q. Does Project Veritas/PVA also use
17 journalists other than its own employees?

18 A. We have contractors. We have
19 independent contractors. They're contracted for
20 that purpose as undercover journalists. So, they
21 may be doing it for other people in other instances,
22 but we have both employees and independent
23 contractors.

24 Q. And assigning an investigation to a

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1 A. Elicit that information, how do I elicit
2 that information about how you operate, how you make
3 those decisions.

4 Q. Is it fair to say that your training
5 program covers some of the same law enforcement
6 related techniques --

7 A. Yes.

8 Q. -- relative to getting access?

9 A. Correct.

10 Q. Are Project Veritas and PVA's
11 journalists trained on any limitations to what they
12 can do in the way of a cover story or legend?

13 A. Absolutely.

14 Q. What are those?

15 MR. KLEIN: I would object at this
16 point to privilege. As far as the
17 involvement of attorneys, I would
18 instruct Russ not to discuss this
19 matter.

20 MR. HASKELL: Can you read the
21 question back.

22 (Record read)

23 BY MR. HASKELL:

24 Q. And --

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1 MR. KLEIN: As far as what are
2 those, I would say that's privileged and
3 I would instruct not to discuss that.

4 BY MR. HASKELL:

5 Q. Mr. Verney, are you going to follow your
6 counsel's instructions not to tell me what
7 limitations Project Veritas and PVA place on its
8 journalists' cover stories that they can take?

9 A. Yes.

10 Q. Okay. So, we were talking about
11 training. Before that we were talking about the
12 process an investigation takes. I think we left off
13 speaking about the research and legwork that a
14 journalist puts in before they actually go into the
15 field; is that right?

16 A. Correct.

17 Q. Okay. At this stage has a budget been
18 set for the investigation?

19 A. No, and at no point is an actual budget
20 set for -- we don't know when we start out if it's
21 going to require one undercover journalist, if it's
22 going to require five, if it's going to be one month
23 or ten months.

24 When we interviewed Foval, we had no

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1 That's the most important technique that they have,
2 to create access.

3 Q. In what ways that you're familiar with
4 have Project Veritas and PVA's journalists built
5 access to a target?

6 A. Sometimes it's as simple as a phone call
7 and setting an appointment. Other times it's as
8 difficult as trying to casually met meet them in a
9 social setting you know they will be at. Other
10 times it's having somebody who has given us a tip
11 introduce us to somebody. It's unique. Every
12 approach is unique.

13 Q. Do all of these activities of building
14 access involve a cover story?

15 A. Typically, yes. There are occasionally
16 instances where the uncover journalist will use
17 their real name, real identity, but typically it's a
18 cover story.

19 Q. How often does that happen that the
20 journalists use their actual identity?

21 A. It's rare, but I can think of three
22 instances.

23 Q. Three instances over the time you've
24 worked at Project Veritas and PVA?

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1 A. Right.

2 Q. What are those three instances?

3 A. One is a person who has a public
4 professional reputation in a field that we wanted to
5 use as access to opinion leaders in a community.
6 So, he used his name and his company, previous
7 company's reputation to gain that access.

8 Another one where we entered a federal
9 building, and we under Section 1001 we used real
10 names, identities. In fact, both of those dealt
11 with Section 1001 issues. These are three that I
12 can recall.

13 Q. I'm sorry, what is Section 1001?

14 A. That's Martha Stewart going to jail.

15 Q. I'm sorry?

16 A. That's Martha Stewart going to jail for
17 not telling the truth to a federal investigator as
18 opposed to what they were investigating, insider
19 trading. That was never the crime she committed.
20 It was lying to a federal investigator.

21 You can't use a false name to enter a
22 federal building. I can't enter this building --
23 well, the state. I don't know what the state law
24 is. Tip O'Neill's building I can't go in with a

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1 false name.

2 Q. Sure. Okay. So that's an occasion --
3 excuse me, there are two occasions in your time at
4 Project Veritas and PVA that the journalists have
5 used their real names for that purpose?

6 A. Correct.

7 Q. So, when a journalist meets with
8 somebody who they've identified as a target,
9 somebody they want to record, do they always have
10 the microphone rolling?

11 A. Depending on the legal guidance for the
12 circumstances they're in, yes.

13 Q. Okay. But fair to say whenever
14 circumstances permit it to be done legally, the
15 reporter has a microphone rolling when they're
16 meeting with a target?

17 A. Yes.

18 MR. KLEIN: I want to ask Russ if
19 he's ready for a break or anything?

20 MR. HASKELL: I have to say I
21 could use the men's room myself.

22 (Whereupon, a recess was taken)

23 BY MR. HASKELL:

24 Q. So, we left off speaking about the

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1 equipment you have with you. Could be hidden in
2 your clothing. It records typically to a DVR, which
3 records to a card, one of these little memory cards,
4 and then they have backup of their cell phone audio,
5 backup audio.

6 Q. Do Project Veritas and PVA have their
7 own fleet of recording equipment?

8 A. Shared.

9 Q. And they are apportioned in some
10 fashion?

11 A. They are apportioned.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. The hidden camera, what is the smallest
20 that they come?

21 A. It's a difficult question to answer.
22 The lens is the important thing, and that can be as
23 small as a button on your shirt or a rhinestone on
24 your pocketbook. The other equipment is out of

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1 site, the DVR and all. So that's sort of irrelevant
2 what size that is, but it's probably about the size
3 of a package of cigarettes.

4 Q. Okay. And does Project Veritas and PVA
5 have hidden cameras that hide in the button of
6 somebody's clothing?

7 A. Yes.

8 Q. Do they have hidden cameras that hide in
9 a rhinestone on somebody's clothing?

10 A. Yes.

11 Q. So, the journalists are collecting raw
12 video on an ongoing basis when they're in the field;
13 is that right? That's what they do?

14 A. Correct.

15 Q. Where does the raw video get sent by the
16 journalist after it's captured?

17 A. Gets sent to our office.

18 Q. How does that happen?

19 A. Electronic transfer, upload it to our
20 service.

21 Q. How frequently is the journalist
22 expected to upload the raw video?

23 A. We prefer it every day. Sometimes it's
24 every couple days.

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1 this. We want that video in there. Yeah, the
2 script indicates what elements of the recorded
3 content is going into it.

4 Q. And that draft script that the executive
5 producer puts together, I think you said that's
6 subject to review by Mr. O'Keefe and who else?

7 A. I think it's something that is reviewed
8 by Mr. O'Keefe, but it's primarily reviewed by the
9 attorneys to see if saying anything is troublesome.
10 We don't want to get into litigation. We don't want
11 to overstate a case. We want to be very factual in
12 what we're doing.

13 Q. And assuming that the lawyers don't have
14 any issues, does Mr. O'Keefe have final review and
15 approval of the script?

16 A. Ultimately, yeah, but again it's
17 collaborative between he and the executive producer
18 if we want to tweak it or change it a little bit.

19 Q. So, when it comes to editing the raw
20 video and, I suppose, also raw audio for inclusion
21 in a video report, what kind of editing techniques
22 are available to the editing staff?

23 A. They use Final Cut Pro X. They may use
24 an audio editing program for getting rid of

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1 background noises, I'm not sure, but the basic tool
2 that they use is Final Cut Pro X.

3 Q. And that's a software tool?

4 A. It's a software tool for Mac computers.

5 Q. Where is the editing staff located?

6 A. In our office.

7 Q. Which I don't think I asked you about
8 this earlier. Where is the office?

9 A. It's in Mamaroneck, New York.

10 Q. Is that office shared by Project Veritas
11 and PVA, I assume?

12 A. Yes.

13 Q. Is the Final Cut Pro X software that's
14 used to edit the videos also shared among Project
15 Veritas and PVA?

16 A. Yes.

17 Q. With the costs apportioned in some
18 fashion?

19 A. Correct.

20 Q. So, just speaking a bit more about the
21 office in Mamaroneck, is that where you keep your
22 office?

23 A. No. I was there, but I left there in
24 February of '17 and went to Indianapolis, a suburb

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1 that do not office in Mamaroneck.

2 Q. So, the video is produced and edited
3 into a video report. I assume somebody sees the
4 video report and approves it before it's finalized
5 for release?

6 A. Yes.

7 Q. Who is involved in that decision?

8 A. Well, the executive producer is
9 primarily responsible for it. He'll work in
10 collaboration with James O'Keefe and possibly the
11 undercover journalist who worked on the story. Once
12 they're satisfied with it, with the draft, then I'll
13 run it by legal counsel.

14 Our communications director may review
15 it at that point too to see if he's got any
16 recommendations. I think legal counsel is the main
17 outside set of eyes at that point other than those
18 who have been working and developing the story.

19 Q. Then once the video report has been
20 approved for publication, how does Project Veritas
21 and PVA go about publishing it?

22 A. Let's assume we decided that we wanted
23 to release a story today. We prepare the story. We
24 prepare a press release that announces the story.

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1 We prepare e-mail messages to go out to our blast
2 lists, our e-mail list, announcing the story. We'll
3 have a link back to our website or to our YouTube
4 channel for the story.

5 If we have time we'll talk with media
6 outlets that might have a special interest in the
7 story. There are some that like to get an exclusive
8 and make big story out of it. They will get --
9 we'll give them a story a half hour, an hour, before
10 we put out the press release to the entire media.

11 It's then sent out to the media. It's
12 on our website. Sent out to the media, sent out to
13 our supporters, and then we start posting notices of
14 it on social media, Facebook and Twitter and I think
15 Instagram. Then our media staff will try and
16 arrange interviews depending on the story with local
17 or national media affected by or interested in the
18 story.

19 Q. In order to call attention to the video
20 report?

21 A. Yeah, the whole purpose is to educate
22 the public. We don't advocate a solution. Let's
23 say that we found out that the Massachusetts
24 Attorney General's Office does favors for friends

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1 get the analytics. We prefer that they come to our
2 site.

3 We've spent a lot of effort making our
4 site something that can sustain the onslaught. When
5 it gets noticed on a form like Drudge, that can
6 generate tense of thousands of hits almost
7 instantly.

8 Q. Does Project Veritas have a policy as to
9 releasing raw video underlying a video report?

10 A. Yes.

11 Q. What is that policy?

12 A. We don't release it.

13 Q. Does PVA have a policy?

14 A. Same. We don't release it.

15 Q. I'm sorry?

16 A. We don't release. Project Veritas or
17 Project Veritas Action Fund does not release the
18 underlying raw video. There are occasions where we
19 will provide it to somebody under a confidentiality
20 agreement.

21 For instance, we provided it to a joint
22 task force down in Washington, D.C., when we
23 discovered some planned illegal activity, what we
24 thought would be illegal activities that could harm

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1 people, and they used it as a basis for prosecution
2 in several criminal trials.

3 Q. How long has that been the policy of
4 Project Veritas?

5 A. Been the policy since I joined them in
6 the fall of 2014.

7 Q. And likewise with Project Veritas Action
8 Fund, it's been this way as long as you've been
9 there?

10 A. Yes.

11 Q. That neither organization will release
12 raw video?

13 A. Right.

14 Q. Can we go back to Exhibit 3, the
15 organizational chart?

16 A. Mm-hmm.

17 Q. I want to make sure that I'm putting
18 pieces together correctly from what we've talked
19 about earlier this morning. We spoke -- looking at
20 the second page, the organizational chart there, we
21 spoke pretty extensively about the president and CEO
22 and his responsibilities. It looks like he has the
23 additional title of COO.

24 A. Chief content officer.

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1 for a recruiting and training staff role. Is that
2 now filled by the gentleman who used to fill the
3 field director role?

4 A. Correct.

5 Q. And the recruiting and training role,
6 what does that involve?

7 A. We have -- when I started there in 2014,
8 there were five of us and a couple remote
9 journalists. There's now forty of us. Somebody has
10 to recruit all those people. They have to go
11 through various forms of advertising and attracting
12 applicants, weeding through the applications,
13 setting up the interviews, the interview process,
14 and if they're hired they have to go through the
15 on-boarding process with them.

16 Q. Does that person have responsibility for
17 the journalist training program we spoke about
18 earlier, the one-week program?

19 A. No, that's the field director and the
20 executive producer deal with that.

21 Q. Before we go off the second page of
22 Exhibit 4, what we have in front of us is a PVA
23 organizational chart. Fair to say that the Project
24 Veritas organizational chart is identical?

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1 A. Yes.

2 Q. Same roles filled by the same people?

3 A. Yes.

4 Q. Doing the same things?

5 A. Yes.

6 Q. Okay. Are there any states right now
7 where Project Veritas/PVA does not conduct field
8 operations?

9 A. Yes.

10 Q. What states are those?

11 A. Massachusetts.

12 Q. Are any others?

13 A. Maryland. There are others that are
14 heavily restricted in what we can do. Those are the
15 two we absolutely stay away from right now. States
16 like Pennsylvania are difficult, but under certain
17 circumstances we can record.

18 It's just very tricky because we're
19 dealing with an undercover journalist who can be
20 tripping a criminal line. We definitely don't want
21 them getting anywhere near that. We don't want to
22 put them in a situation where they could be held
23 criminally liable for something. The company, we
24 can assume our own risks, but we can't assume that

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1 Q. He was arrested for something else?

2 A. Right. And O'Keefe was not arrested for
3 surreptitious recording. He was arrested for
4 entering a building under -- ultimately for entering
5 a building under false name.

6 Q. I just want to wrap up what we've spoken
7 about. I think we've covered a lot of this in our
8 conversation. So, is it fair to say that Project
9 Veritas's operations are essentially interchangeable
10 with PVA's?

11 A. Correct.

12 Q. And fair to say that they're both --
13 Project Veritas and PVA are both putting a very
14 similar product out in the field in the form of
15 video report?

16 A. Correct.

17 (Marked Exhibit 5, Plaintiff's
18 Responses to Defendant's First Set
19 of Interrogatories)

20 A. (Deponent viewing exhibit).

21 Okay.

22 Q. So Exhibit 5 is a document entitled
23 "Plaintiff's Responses to Defendant's First Set of
24 Interrogatories." Mr. Verney, have you had a chance

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1 Q. I'm going to shut down the film that we
2 had up on the screen. So, going back to Exhibit 5,
3 which was the interrogatory responses, can I ask you
4 to flip the page to page seven, please.

5 Interrogatory number 11 asks PVA to
6 identify each step they had taken in furtherance of
7 making any future recording in Massachusetts. PVA's
8 response -- well, PVA's response is Plaintiff has
9 been aware of the unequivocal ban in GL Chapter 272,
10 Section 99, since 2015. Because of this unequivocal
11 ban, its steps have been limited to monitoring
12 instances in Massachusetts, largely reports from
13 other news outlets, that it would investigate with
14 secret recording but for the ban. Since March 2016
15 Plaintiff has engaged in a constitutional challenge
16 in an effort to overturn the unequivocal ban on
17 secret recording. Have I read that correctly?

18 A. Yes.

19 Q. So setting aside the litigation
20 challenge, is it correct that PVA's steps in
21 furtherance of making future recordings in
22 Massachusetts have been limited to monitoring
23 instances in Massachusetts that it would investigate
24 with secret recording but for the ban?

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1 A. Correct.

2 Q. And interrogatory number 12 asks for the
3 identity of people with knowledge of those steps.
4 Response to interrogatory 12 lists Mr. O'Keefe,
5 Mr. Halderman, and yourself; right?

6 A. Yes.

7 Q. So, let me ask to your knowledge what
8 has been Mr. O'Keefe's involvement with these steps
9 of monitoring instances in Massachusetts where PVA
10 would use secret recording if not for this law?

11 A. He's certainly aware of news reports.
12 He keeps current of all news reports that affect
13 things we might want to investigate. He's aware of
14 investigations that are going around the country
15 that might have tentacles that come into the
16 Commonwealth. He gets tips from people and
17 suggestions of things to investigate. He's aware of
18 what we might be able to do but for the restriction
19 against secret recordings.

20 Q. And for Mr. Halderman, are you aware of
21 what involvement Mr. Halderman has had in terms of
22 monitoring instances in Massachusetts where PVA
23 would record if not for this law?

24 A. Similar to what James O'Keefe had that

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1 he receives tips, he monitors news reports and from
2 other investigations we have ongoing that would lead
3 to an opportunity to investigate within
4 Massachusetts but for the law.

5 Q. I suppose I should ask the same
6 question. What do you know about instances in which
7 PVA would have recorded or would record in
8 Massachusetts if not for this law?

9 A. My sources would be the same, general
10 news reports that I monitor, and I have a little
11 infinity for the Commonwealth having been born and
12 brought up here. The leads from other
13 investigations and tips that we receive, I see them
14 come into our information e-mail box on the website
15 about potential investigations that should be run in
16 Massachusetts.

17 Q. I'm sorry, let me back up on that last
18 part a bit. You mentioned a tips mailbox.

19 A. Mm-hmm.

20 Q. What is that?

21 A. It's Info@ProjectVeritas. People send
22 in all kinds of things like my divorce went wild and
23 it was the judge's fault, please investigate him.
24 Occasionally there's decent story leads in there,

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1 but for the most part it's personal grievances that
2 people want investigated.

3 Q. Sure. But some of the tips you
4 mentioned that come through there have presented
5 opportunities to do secret recording in
6 Massachusetts?

7 A. Yep.

8 Q. How many such tips do you recall?

9 A. Two or three having to do with voter
10 registration going over the border into
11 New Hampshire during the first presidential primary
12 where they don't have a residency requirement and
13 people registering to vote illegally in
14 New Hampshire.

15 Q. I'm sorry, you're saying New Hampshire
16 doesn't have a residency requirement?

17 A. Correct.

18 Q. Okay. And you said that there were two
19 or three tips involving that issue that presented an
20 opportunity to do secret recording in Massachusetts?

21 A. Yeah, they were urging us to go to the
22 sources where people organized people to go to
23 New Hampshire and try to record them doing the
24 organization within the Commonwealth.

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1 Q. Okay. When did PVA receive those tips?

2 A. It would have been in the fall, summer
3 or fall of 2016.

4 Q. And did PVA do anything in response to
5 those tips?

6 A. No.

7 Q. Did those tips identify a specific place
8 in Massachusetts where this voter organization was
9 occurring?

10 A. No.

11 Q. Did those tips identify specific people
12 who PVA could talk to to learn more about these
13 events?

14 A. No.

15 Q. And so had PVA chosen to follow up on
16 these tips, what would it have done?

17 A. Had we chosen to follow up on that,
18 because we were already in New Hampshire we would
19 have our journalist try to find indications of who
20 the organizers are.

21 At the same time, we would start sending
22 undercover journalists in to Democratic activists
23 organizations because these were Democrats we were
24 talking about for the first in the nation

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1 presidential primary.

2 We would have our undercover journalists
3 go into nonprofit or state party organizations or
4 campaign organizations in the Commonwealth and see
5 what they could find, see if they can identify where
6 it's actually happening, if it was happening where
7 it was happening.

8 Q. Outside of those, I think you said it
9 was two or three tips that concerned activities in
10 Massachusetts or alleged activities in Massachusetts
11 related to the New Hampshire primary, has PVA
12 received other tips that would have presented an
13 opportunity to do secret recording in Massachusetts?

14 A. Through that info line, I don't recall
15 any others, no.

16 Q. Okay. So, including the things learned
17 from media reports that PVA might have liked to have
18 followed up on and including the allegations
19 received through the tip line, the info line, does
20 PVA keep any documentation of these missed
21 opportunities to record in Massachusetts?

22 A. No.

23 Q. Wouldn't keep a copy of the e-mail
24 received through the tip line?

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1 A. No, if we didn't pursue it, no.

2 Q. Now, the interrogatory, this is on page
3 seven of Exhibit 5, the first sentence of the
4 response to interrogatory number 11 says that PVA
5 became aware of Chapter 272, Section 99, in 2015; is
6 that right?

7 A. Correct.

8 Q. And that sentence also characterizes
9 272, Section 99, as an unequivocal ban on secret
10 recording. Is that how you would characterize that
11 statute?

12 A. Yes.

13 Q. Do you recall when in 2015 you became
14 aware of 272, Section 99?

15 A. No.

16 Q. But in your role as executive director
17 with responsibility for compliance, you would have
18 been -- if anybody at PVA knew about it, you would
19 have; right?

20 A. Yes. As we were planning our 2016
21 Project Veritas Action activities, we would have
22 been aware of it then.

23 Q. And when you speak about 2016 PVA
24 activities, is one of those planned activities

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1 A. No, we did not get to the phase where we
2 would decide whether it would be a long-term or
3 short-term investigation, and again we don't set
4 specific budgets for them.

5 Q. And so did Mr. O'Keefe approve this
6 investigation as something that PVA would do if not
7 for the Massachusetts law?

8 A. He wanted me to find if there was any
9 way permissible under Massachusetts law that we
10 could launch this investigation. The answer was no,
11 but for the law we would have done it. But for the
12 law we would have initiated the investigation.

13 Q. And besides these discussions with
14 Mr. Halderman and Mr. Constanza you mentioned and
15 Mr. O'Keefe, did PVA make any other preparations for
16 this investigation?

17 A. I'm not aware of any.

18 Q. So, moving on to the second
19 investigation that's mentioned by interrogatory,
20 government officials including police officers,
21 legislators, or members of the Massachusetts Office
22 for Refugees and Immigrants and their positions on
23 sanctuary cities, were you involved in that
24 potential investigation?

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1 A. Yes.

2 Q. And what was your involvement?

3 A. Again, our conclusion was it was
4 something well worth investigating but for the law
5 that precluded us going in undercover.

6 Q. Who participated in reaching that
7 conclusion?

8 A. It would have been myself, Joe
9 Halderman, and Ken Constanza, I believe.

10 Q. And similar to the last investigation we
11 discussed, was that a face-to-face conversation?

12 A. Yes.

13 Q. With the three of you there; you,
14 Mr. Halderman, and Mr. Constanza?

15 A. Yes.

16 Q. Where did that --

17 A. My belief is that Mr. Constanza was
18 there.

19 Q. Where did that conversation take place?

20 A. In our office in Mamaroneck, New York.

21 Q. Was it just one conversation or more
22 than one?

23 A. It was several.

24 Q. When did they take place?

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1 A. I don't recall the exact date, but
2 sanctuary cities had become a national issue, and
3 there was reporting of certain incidents here in the
4 Commonwealth we felt required to open the door for
5 us to follow up on.

6 Q. If these conversations that you had
7 within PVA took place after sanctuary cities
8 achieved national prominence as an issue, is it fair
9 to say that these conversations happened after the
10 2016 presidential election?

11 A. It could have been before. It was an
12 issue before. Sanctuary cities have been an issue
13 for years with -- just haven't captured the national
14 attention that has been brought to them since the
15 2016 campaign.

16 Q. Was Mr. O'Keefe briefed on this
17 potential investigation into sanctuary cities?

18 A. My belief is yes.

19 Q. In these discussions, I mean, I think
20 you just said sanctuary cities is a national issue;
21 right?

22 A. Correct.

23 Q. Why did you and Mr. Constanza and
24 Mr. Halderman choose to focus on Massachusetts for

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1 an investigation?

2 A. Based on some reports that had surfaced
3 associated with Massachusetts, we felt it was a very
4 opportune target for us at that time.

5 Q. What reports were those?

6 A. I don't recall them offhand, but there
7 was some reports that we received from various
8 sources.

9 Q. Do you recall anything about what these
10 reports were about?

11 A. No.

12 Q. Do you recall from where they were
13 received by PVA?

14 A. No.

15 Q. And so this potential investigation
16 about sanctuary cities, how many meetings did you
17 say you had with Mr. Halderman and Mr. Constanza to
18 discuss these?

19 A. It probably came up in two or three
20 different meetings. Again, the door was closed
21 because we were prohibited from undercover reporting
22 in Massachusetts.

23 Q. Did Mr. O'Keefe participate in those
24 meetings?

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1 A. To the best of my knowledge, no.

2 Q. Do you know whether he was briefed on
3 this potential investigation?

4 A. Yes.

5 Q. Did this potential investigation get to
6 the point that the field director and executive
7 producer wrote one of those planning memos for the
8 potential investigation?

9 A. No, never got to that stage. It was
10 precluded by the prohibition of undercover recording
11 in the Commonwealth.

12 Q. Did it get to the point that a member of
13 PVA's journalistic staff was assigned to it?

14 A. No, it was precluded to that level
15 because of the prohibition of undercover recording
16 in the Commonwealth.

17 Q. Were specific targets identified within
18 Massachusetts?

19 A. There were starting areas that were
20 discussed, but no individuals.

21 Q. What were those starting areas?

22 A. As I recall, it was an immigration
23 organization, an immigrant advocacy organization or
24 resettlement organization. I don't really recall

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1 the specifics of it. That would be the first step
2 to getting in, learning what is going on and where
3 it's going on.

4 Q. But no individuals were identified as
5 targets?

6 A. I don't recall any.

7 Q. Was there any planning about how to gain
8 access to this advocacy organization you mentioned a
9 moment ago?

10 A. No, because it was precluded by the
11 prohibition of undercover recording in the
12 Commonwealth.

13 Q. Were any specific locations identified
14 as places that you might otherwise want to do secret
15 recording?

16 A. No, it was precluded by the prohibition
17 of undercover recording in the Commonwealth.

18 Q. With respect to this potential
19 investigation into sanctuary cities, were any
20 preparations made for such an investigation other
21 than the conversations between you and Mr. Halderman
22 and Mr. Constanza you described?

23 A. No, they were precluded because of
24 prohibition of undercover recording in the

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1 Commonwealth.

2 Q. The next potential investigation that
3 the interrogatory mentions is protest management
4 efforts for the Antifa protest in downtown Boston on
5 August 19, 2017, that would focus on private
6 individuals and public officials. Were you involved
7 in consideration of that potential investigation?

8 A. Yes.

9 Q. What did your involvement consist of?

10 A. Whether or not we should try to embed
11 one or more journalists into the Massachusetts
12 office of Antifa that was involved in the planning
13 process of that event. We were precluded because of
14 prohibition of undercover recording in
15 Massachusetts.

16 Q. Where did that idea come from to embed a
17 journalist with this Antifa organization in
18 Massachusetts?

19 A. It came from leads in other states of
20 Antifa or Antifa related organizations in other
21 states.

22 Q. By the way, just so the record is clear,
23 what is Antifa?

24 A. Antifa is -- I don't even --

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1 journalists were working in New Hampshire, see e.g.
2 Australian Labor Party Assisting Democratic U.S.
3 Campaigns in Violation of Campaign Finance Laws. It
4 includes a link to a Project Veritas Action video
5 report.

6 A. Mm-hmm.

7 Q. Were you involved in that investigation?

8 A. Yes. I'm sorry, which is that
9 investigation?

10 Q. Well, that's a good question. First of
11 all, where the interrogatory response speaks about
12 using secret recording to investigate political
13 campaigns in Suffolk County, was that opportunity to
14 use secret recording in Suffolk County part of the
15 investigation for this video report that's mentioned
16 right afterwards?

17 A. I believe I mentioned earlier that we
18 had suggestions that people were coming, being
19 brought in from out of state and potentially going
20 to be registering to vote in New Hampshire. That
21 was all part of the investigation that led to the
22 report of the Australian Labor Party people working
23 for the Bernie Sanders campaign. It was a separate
24 idea from what was finally reported, but it all came

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1 out of the same universe. That did not happen
2 because of the prohibition of undercover recording.

3 Q. Let's talk more broadly about the
4 investigation that resulted in this video report
5 about the Australian Labor Party. Have you reviewed
6 that video report recently?

7 A. Yeah.

8 Q. And I'm going to put it up on the screen
9 here. If you've reviewed it recently, I won't play
10 the whole thing, but just skip to specific parts of
11 that. Is that okay?

12 A. That's fine with me.

13 Q. And so we're looking at Exhibit 6, which
14 is the CD that we marked earlier today. Can you see
15 up on the screen in the conference room here I have
16 the file directory for that CD that's been marked as
17 Exhibit 6?

18 A. I see it.

19 Q. Okay. And the file folder title
20 interrogatory nine?

21 A. Yes.

22 Q. And I'm going to click to open an MP4
23 file whose title begins Australian Labor Party.

24 A. Okay.

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1 MR. KLEIN: Eric, if it's choppy
2 again, I don't object to you dragging
3 the file onto the hard drive and playing
4 it directly. We had some trouble with
5 choppiness last time. This is going to
6 have audio, I assume. Maybe this will
7 be better.

8 MR. HASKELL: Sure, let's do that
9 then.

10 Q. So we have up on the screen here ready
11 to play the video file titled, "Australian Labor
12 Party Assisting Democratic U.S. Campaigns in
13 Violation of Campaign Finance Laws." Do you
14 recognize this video report?

15 A. Yes.

16 Q. This was a video report that was
17 published by Project Veritas Action?

18 A. Yes.

19 Q. Just to set the table, is it fair to say
20 that the video report consists in large part of
21 secret recordings taken by a PVA journalist of her
22 interactions with other people?

23 A. Correct.

24 Q. Okay. I'm going to bring the movie

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1 forward and pause it at 2:20. There we go. So can
2 you see up on the screen we have the video paused at
3 time stamp 2:20?

4 A. Yes.

5 (Marked Exhibit 14, Screen Shot)

6 BY MR. HASKELL:

7 Q. What we've marked as Exhibit 14,
8 Mr. Verney, fair to say that's a screen shot from
9 the Australian Labor Party video?

10 A. Yes.

11 Q. And it's, I think, a couple frames off,
12 but more or less what we're looking at on the screen
13 in the conference room here?

14 A. Yes.

15 Q. Okay. So, the scene that's depicted up
16 on the screen in the conference room and also in
17 Exhibit 14, where is that?

18 A. That's an office in Manchester,
19 New Hampshire, I believe.

20 Q. Office of whose?

21 A. I believe it's Bernie Sanders for
22 President or Bernie for President. I don't recall
23 the official name.

24 Q. Is it fair to say that a PVA journalist

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1 in an undercover capacity had obtained access to
2 this office of Bernie Sanders to make this video?

3 A. Correct.

4 Q. And that PVA journalist, it was a woman;
5 right?

6 A. Yes.

7 Q. How did she get access to the Bernie
8 Sanders campaign headquarters?

9 A. She offered to volunteer.

10 Q. Had she been volunteering for the Bernie
11 Sanders campaign before she took this assignment on
12 behalf of PVA?

13 A. No.

14 Q. And so I take it the campaign accepted
15 her offer to volunteer?

16 A. Yes.

17 Q. How long did she work with them?

18 A. I don't recall how long it was. Off and
19 on for a day here a day there for over a couple
20 weeks. It wasn't forty hours a week. It was
21 sporadic.

22 Q. Do you know what kind of work she was
23 asked to do for the campaign?

24 A. She was asked to do some canvassing, I

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1 believe, and some office work.

2 Q. She did so?

3 A. Yes.

4 Q. I think we spoke before the break about
5 a reporter or a journalist's legend, their kind of
6 cover. What did this journalist use in the way of a
7 legend or cover to get access to the Sanders
8 campaign?

9 A. I don't recall specifically. It would
10 have been an alias name and probably a student on
11 break from a college looking to get involved. I
12 don't recall specifically.

13 Q. The journalist who made this video that
14 we're looking at, was she a college student at the
15 time?

16 A. Not at the time, no.

17 Q. I'm going to skip ahead in the same
18 video file entitled "Australian Labor Party" on
19 Exhibit 6. I'm going to skip ahead to time stamp
20 4:59. I'll play the last couple seconds leading up
21 to that, okay.

22 (Video played)

23 (Marked Exhibit 15, Screen Shot)

24 BY MR. HASKELL:

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1 Q. So, Mr. Verney, what's been marked as
2 Exhibit 15, do you recognize that as a still of the
3 portion of the video file that we have up on the
4 conference room display here?

5 A. Yes.

6 Q. And it more or less depicts what we see
7 in the film at this portion; right?

8 A. Yes.

9 Q. And fair to say that this segment of the
10 video report depicts a conversation between an
11 undercover PVA journalist and a woman named Rebecca
12 Doyle?

13 A. Correct.

14 Q. At least Rebecca Doyle says is a
15 volunteer from Australia?

16 A. Correct.

17 Q. Was this raw video made by the same
18 journalist who recorded the segment that we looked
19 at in Exhibit 14?

20 A. I don't know.

21 Q. Do you know how many undercover
22 journalists PVA had with the Bernie Sanders campaign
23 in New Hampshire at this time?

24 A. I don't know. More than one.

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1 Q. Do you know, the segments that we have
2 up on the screen and also in Exhibit 15, do you know
3 where that video was made?

4 A. I believe it's the same office in
5 Manchester, New Hampshire, for both videos.

6 Q. And is it your understanding that this
7 woman who was recorded, Rebecca Doyle, was a fellow
8 volunteer for the Bernie Sanders campaign?

9 A. Yes.

10 Q. Did she know that she was being
11 recorded?

12 A. No. Let me rephrase that. As far as I
13 know she did not. She was not supposed to know.

14 Q. Sure. Turning back to the Australian
15 Labor Party video, we're going to skip ahead to time
16 stamp 7:05. Keep going. One frame too far.

17 (Video played)

18 (Marked Exhibit 16, Screen Shot)

19 BY MR. HASKELL:

20 Q. So, Mr. Verney, what's been marked
21 Exhibit 16, do you recognize that as a screen shot
22 from the Australian Labor Party video that we have
23 up on the screen in the conference room here?

24 A. Yes.

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1 that conversation with Mr. Pelletier?

2 A. No.

3 Q. Do you know where Mr. O'Keefe was when
4 he had that conversation?

5 A. He was in New York at that time.

6 Q. In Project Veritas --

7 A. In his office.

8 Q. PVA?

9 A. In his office in Mamaroneck, New York.

10 Q. Do you know how Mr. O'Keefe introduced
11 himself to Mr. Pelletier at the beginning of the
12 call?

13 A. I do not.

14 Q. Do you know whether Mr. O'Keefe
15 introduced himself as James O'Keefe of Project
16 Veritas Action?

17 A. I do not.

18 Q. I'm going to shut down the video now.
19 We're through looking at that one.

20 Going back to the interrogatory response
21 that got us talking about that particular
22 investigation, how did this investigation offer PVA
23 an opportunity to conduct secret recording in
24 Massachusetts?

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1 A. When they were working in the
2 Manchester, New Hampshire, area, there was a lot of
3 talk about the support that they were receiving out
4 of Massachusetts and plans for future report. We
5 wanted to follow up. There were people from
6 New Hampshire that believed that there was support
7 coming from Massachusetts.

8 What we picked up from the campaign is
9 that they coordinate with them. They bring
10 volunteers. How far do the volunteers go is
11 something we would have liked to investigate. We
12 were unable to get into the organization of it down
13 here because of the prohibition of undercover
14 recording.

15 Q. So, in their undercover capacity posing
16 as a volunteer for the Bernie Sanders campaign, the
17 PVA journalist learned that some other volunteers
18 for the Bernie Sanders campaign were coming from
19 Massachusetts?

20 A. Correct.

21 Q. Did you learn anything else about these
22 Sanders volunteers from Massachusetts?

23 A. We did not learn anything specific about
24 them. We had reports from people in New Hampshire

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1 that nefarious things might go on, but we were never
2 able to document it.

3 Q. And nefarious things, was that
4 allegation of nefarious things connected to the
5 volunteers in Massachusetts?

6 A. Yes, connected to voter registration and
7 voting.

8 Q. What was that allegation?

9 A. People were being bussed in from out of
10 the state to register to vote and to vote in the
11 presidential primary in New Hampshire.

12 Q. I see. Based on the information that
13 PVA received that you just described, was PVA able
14 to identify specific individuals in Massachusetts
15 who it would otherwise have gone to record?

16 A. No, we did not invest any resources into
17 it because we could not record in Massachusetts.

18 Q. Did PVA identify specific places that it
19 might have conducted recording if not for the
20 Massachusetts statute?

21 A. I don't know that.

22 Q. Okay. Did PVA consider the possibility
23 of secretly recording these folks from Massachusetts
24 after they had come in to New Hampshire to do what

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1 they were going to do?

2 A. It was a possibility, but by the time
3 they got to New Hampshire, they're spread out all
4 over the state. We didn't have that many people
5 around the state. You would have to find them on
6 the day they're registering or voting. It's a huge
7 logistical problem at that end. It's an easy
8 logistical problem if you can go to the organization
9 where they're preparing to go, planning to go.

10 Q. Did this aspect, the Massachusetts
11 aspect of the PVA's work on the Bernie Sanders
12 campaign, did that result in any planning memo for
13 recording these Massachusetts related activities?

14 A. No, it was precluded by the fact we
15 couldn't record in Massachusetts legally.

16 Q. Who was involved in PVA's decision not
17 to pursue this lead?

18 A. Joe and I for sure. I don't know
19 anybody else. We can't record in the state of
20 Massachusetts. We'd love to do it, love to try to
21 find a way for you, but it's not going to happen.

22 Q. Going back to Exhibit 5, the
23 interrogatory response.

24 A. Yep.

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1 Q. The relative, what was her relation to
2 Mr. Dudich?

3 A. My memory of is not that clear. Joe
4 Halderman will be able to answer those questions
5 better for you.

6 Q. Okay. Do you know where the relative
7 was located?

8 A. In the greater Boston area, but I don't
9 know specifically where.

10 Q. Okay. But the journalist -- was it one
11 or more than one Project Veritas journalist?

12 A. I don't -- there was at least one.
13 There may have been more. Joe Halderman would be
14 somebody that could answer that for you.

15 Q. Okay. Do you know where the journalist
16 or journalists made contact with this relative of
17 Mr. Dudich?

18 A. No, I don't.

19 Q. Mr. Halderman would?

20 A. Yes.

21 Q. Are you familiar with an investigation
22 that Project Veritas or PVA -- I'm not sure who --
23 conducted into the AFT Michigan?

24 A. Yes.

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1 Q. AFT Michigan is the local chapter of the
2 American Federation of Teachers?

3 A. Yes.

4 Q. Was that a Project Veritas or PVA
5 investigation?

6 A. We have not admitted in litigation that
7 we did an investigation out there. If we had done
8 an investigation, it would have been done by PV, not
9 PVA.

10 Q. So, you mentioned a moment ago that you
11 are familiar with that investigation. What was your
12 involvement with it?

13 A. Same with all investigations, once we
14 start looking into some subject, I do the review of
15 it with the attorneys and make sure that our
16 undercover agents are familiar with what their
17 procedures should be so that they don't violate any
18 laws within the state they're operating in, same as
19 with all those videos we just saw.

20 Q. Did a Project Veritas journalist succeed
21 in gaining access to folks at AFT Michigan?

22 A. AFT Michigan has claimed, I believe,
23 that somebody who was associated with Project
24 Veritas at one time had access and they believe that

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1 because she had jewelry on that she did undercover
2 recording. No story has ever been released and
3 we've never admitted to any of that.

4 Q. I guess that's what I'm asking you now.
5 Did the PV journalist succeed in gaining access to
6 folks at AFT Michigan?

7 A. Yes.

8 Q. What was that person's cover? How did
9 she do so?

10 A. She got invited in as an intern.

11 Q. Did she seek an internship at AFT
12 Michigan?

13 A. I think it was offered to her by
14 somebody in AFT not in that -- in that statewide
15 office. Somebody in Michigan AFT recommended her to
16 the state organization as an intern.

17 Q. Did this person have to provide
18 credentials in order to begin working that
19 internship --

20 A. No.

21 Q. -- at AFT Michigan?

22 A. No.

23 Q. Did she have to provide a name?

24 A. Yes.

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1 Q. And did she give her true name?

2 A. No.

3 Q. Did she have to provide any information
4 about her background?

5 A. May have. I don't know.

6 Q. Do you know who would know?

7 A. Joe might know what she had for a
8 legend. Joe Halderman might know what she had for a
9 legend and whether or not she was required to
10 provide any information to them, whether it was
11 verbal or written. I don't think she ever provided
12 written information to them.

13 Q. This Project Veritas reporter in the
14 course of acting the part of an intern at AFT
15 Michigan, did she then make surreptitious recording
16 of folks she encountered at the office of AFT
17 Michigan?

18 A. We've never admitted that she has, but,
19 yes, she did.

20 THE WITNESS: Excuse me a minute.
21 Can I consult with Steve?

22 MR. HASKELL: Absolutely. Why
23 don't we call a quick break, and you can
24 step into the break room.